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| APPLICATION NO.                           | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|-------------------------------------------|-------------|-----------------------|-----------------------|------------------|
| 09/897,331                                | 07/02/2001  | Job Cornelis Oostveen | NL000409              | 2099             |
| 24737                                     | 7590        | 03/23/2004            | EXAMINER              |                  |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS |             |                       | ORTIZ CRIADO, JORGE L |                  |
| P.O. BOX 3001                             |             |                       | ART UNIT              | PAPER NUMBER     |
| BRIARCLIFF MANOR, NY 10510                |             |                       | 2655                  |                  |

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                  |                  |
|------------------------------|----------------------------------|------------------|
| <b>Office Action Summary</b> | Application No.                  | Applicant(s)     |
|                              | 09/897,331                       | OOSTVEEN ET AL.  |
|                              | Examiner<br>Jorge L Ortiz-Criado | Art Unit<br>2655 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 December 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because, in Fig. 3, descriptive labels should be provided. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b)(c), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.

- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 4-6, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda et al. U.S. Patent No. 6,069,870.

Regarding claim 4, Maeda et al. discloses a record carrier having information marks along a track thereof (See col. 6, lines 56-62; Figs. 2,27) and exhibiting: first variations caused by existence and nonexistence of the information marks along the track (See col. 6, lines 56-62; Figs. 2,27), said first variations representing an information signal recorded on said record carrier (See col. 6, lines 56-62; Figs. 2,27), and second variations caused by variations associated with the information marks (See col. 6, lines 56-62; col. 7, line 22 to col. 8, line 35; Fig. 2,27);

the phase of the second variations being coupled to the phase of the first variations (See col. 6, lines 56-62; Fig. 27; col. 7, line 22 to col. 8, line 35; Figs. 3,27).

Regarding claim 5, Maeda et al. discloses characterized in that the second variations have either a first or a second phase with respect to the first variations (See col. 7, line 22 to col. 8, line 35; Figs. 3,27).

Regarding claim 6, Maeda et al. discloses characterized in that first and the second phase differ with 180 degrees (See col. 7, line 22 to col. 8, line 35; Figs. 3,27).

Regarding claim 14, Maeda et al. discloses characterized in that said predetermined variation pattern allows sampling if said second variations at twice the frequency of said second variations (See col. 7, line 22 to col. 8, line 35; Figs. 3,27)

Regarding claim 15, Maeda et al. discloses characterized in that said second variation have a first and a second phase such a predetermined relationship between said first and second phase coincides to a start of frame (See col. 7, line 22 to col. 8, line 35; Figs. 3,27).

Regarding claim 16, Maeda et al. discloses said predetermined relationship is zero-crossing (See col. 7, line 22 to col. 8, line 35; col. 18, lines 45-59; Figs. 3,27).

***Claim Rejections - 35 USC § 103***

5. Claim 1-3,7 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timmermans et al. U.S. Patent No. 5,930,210 in view of Maeda et al. U.S. Patent No. 6,069,870.

Regarding claim 1, Timmermans et al. discloses an information system (See col. 1, line 13; Fig. 4,5), comprising:

a record carrier having information marks along a track thereof (See col. 3, lines 47-49; Fig. 1) and exhibiting:

first variations caused by existence and nonexistence of the information marks along the track (See col. 4, lines 12-27; Fig. 1),

said first variations representing an information signal recorded on said record carrier (See col. 3, lines 47-49; Fig. 1) and

second variations caused by variations associated with the information marks (See col. 3, line 57 to col. 4, line 12);

a playback apparatus (See col. 1, lines 21-22; Figs. 4,5) including:

a transducer unit for scanning said record carrier (See col. 5, lines 26-33; Fig. 5),

said transducer unit being adapted to detect said first variations and said second variations (See col. 5, lines 26-41; Fig. 5),

a first recovery unit coupled to the transducer unit for recovering a clock signal from the first variations (See col. 5, lines 63 to col. 6, line 2; Fig. 5, ref# 63),

a second recovery unit coupled to the transducer unit for recovering an information signal from the first variations (See col. 5, lines 60-62; Fig. 5 ref# 61),

a detection unit for detecting whether said second variations exhibit a predetermined variation pattern on the basis of at least one signal, which is at least indicative of said second variations, originating from said transducer unit (See col. 1, line 58- col. 2, line 2; col. 6, lines 27-31; Fig. 5, ref# 62)

the detection unit using the said clock signal for detecting and an enabling unit for enabling said second recovery unit to recover the information signal when said detection unit detects said predetermined variation pattern (See col. 6, line 63- col. 7, line12; col. 7, 51-61; Figs. 5- ref# (62)(61)(63), 8).

Timmermans et al. further teaches having the second variations detected by the same scanning means as used for detection of the first variations, wherein the second variations are associated with the position of the first variations (See col. 4, lines 21-36), but Timmermans et al. does not expressly disclose wherein the phase of the second variations being coupled to the phase of the first variations.

However this feature is well known in the art as evidenced by Maeda et al., which discloses a record carrier exhibiting information marks along a track (See col. 6, lines 56-62; Figs. 2,27),

first variations caused by existence and nonexistence of the information marks along the track said first variations representing an information signal recorded on the record carrier (See col. 6, lines 56-62; Figs. 2,27) and

a second variations caused by variations associated with the information marks (See col. 6, lines 56-62; Fig. 2,27)

wherein the phase of the second variations being coupled to the phase of the first variations (See col. 6, lines 56-62; Fig. 27; col. 7, lines 10-13, lines 33-47; Figs. 3,27).

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to coupled the phase of the second variation to the phase of the first variation in order to avoiding tracking fails that would cause reproduction of the non-desired information as suggested by Maeda et al.

Regarding claim 2, Timmermans et al. further discloses wherein said second variations exhibit a modulation pattern representing a code (See col. 2, lines 9-14; col. 6, line 63 to col. 7, line 12);

and said detection unit includes a demodulation unit for recovering said code on the basis of said at least one signal, and an activation unit for activating said enabling unit when said code is recovered (See col. 6, line 63 to col. 7, line 12; Figs. 5,8).

Regarding claim 3, Timmermans et al. further discloses wherein the information signal recorded on said record carrier is of a type which is recoverable by means of a predetermined type of data processing (See col. 2, lines 18-36),

said code indicating the predetermined type of data processing to be used for recovering the information signal (See col. 2, lines 18-36), and

said playback apparatus further includes a unit for setting said recovery unit in a mode in which the predetermined type of data processing is performed when the information signal is recovered (See col. 2, lines 18-36).

Regarding claim 7, Timmermans et al. discloses a playback apparatus (See col. 1, lines 21-22; Figs. 4,5) including:

a transducer unit for scanning a record carrier (See col. 5, lines 26-33; Fig. 5),

said transducer unit being adapted to detect at least first and second variations (See col. 5, lines 26-41; Fig. 5),

said first variations representing an information signal recorded on said record carrier (See col. 3, lines 47-49; Fig. 1) and

second variations caused by variations associated with the information marks (See col. 3, line 57 to col. 4, line 12);

a first recovery unit coupled to the transducer unit for recovering a clock signal from the first variations (See col. 5, lines 63 to col. 6, line 2; Fig. 5, ref# 63),

a second recovery unit coupled to the transducer unit for recovering an information signal from the first variations (See col. 5, lines 60-62; Fig. 5 ref# 61),

a detection unit for detecting whether second variations exhibit a predetermined variation pattern on the basis of at least one signal, which is at least indicative of second variations, originating from said transducer unit (See col. 1, line 58- col. 2, line 2; col. 6, lines 27-31; Fig. 5, ref# 62)

the detection unit using the said clock signal for detecting and an enabling unit for enabling said second recovery unit to recover the information signal when said detection unit detects said predetermined variation pattern (See col. 6, line 63- col. 7, line12; col. 7, 51-61; Figs. 5- ref# (62)(61)(63), 8).

Timmermans et al. further teaches having the second variations detected by the same scanning means as used for detection of the first variations, wherein the second variations are associated with the position of the first variations (See col. 4, lines 21-36), but Timmermans et al. does not expressly disclose wherein the phase of the second variations being coupled to the phase of the first variations.

However this feature is well known in the art as evidenced by Maeda et al., which discloses a record carrier exhibiting information marks along a track (See col. 6, lines 56-62; Figs. 2,27),

first variations caused by existence and nonexistence of the information marks along the track said first variations representing an information signal recorded on the record carrier (See col. 6, lines 56-62; Figs. 2,27) and

a second variations caused by variations associated with the information marks (See col. 6, lines 56-62; Fig. 2,27)

wherein the phase of the second variations being coupled to the phase of the first variations (See col. 6, lines 56-62; Fig. 27; col. 7, line 22 to col. 8, line 35; Figs. 3,27).

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to coupled the phase of the second variation to the phase of the first variation in

order to avoiding tracking fails that would cause reproduction of the non-desired information as suggested by Maeda et al.

Regarding claims 8 and 11, the combination of Timmermans et al. and Maeda et al. would show characterized in that said predetermined variation pattern allows sampling if said second variations at twice the frequency of said second variations (See Maeda et al. col. 7, line 22 to col. 8, line 35; Figs. 3,27)

Regarding claims 9 and 12, the combination of Timmermans et al. and Maeda et al. would show characterized in that said second variation have a first and a second phase such a predetermined relationship between said first and second phase coincides to a start of frame (See Maeda et al. col. 7, line 22 to col. 8, line 35; Figs. 3,27)

Regarding claims 10 and 13, the combination of Timmermans et al. and Maeda et al. would show said predetermined relationship is zero-crossing (See Maeda et al. col. 7, line 22 to col. 8, line 35; col. 18, lines 45-59; Figs. 3,27).

***Response to Arguments***

6. Applicant's arguments filed 12/29/2003 have been fully considered but they are not persuasive.

Applicant's response to the rejection of claim 4-6 as unpatentable over Maeda et al. and claims 1-3 as unpatentable over Timmermans et al. in combination with Maeda et al.

Applicants argued that Maeda et al. does not disclose or suggest the phase of the second variations being coupled to the phase of the first variations.

The Examiner cannot concur because Maeda et al. discloses the phase of the second variations being coupled to the phase of the first variations in that a predetermined number of wobbles correspond to a predetermined number of channel bits represented by the first variations (See col. 7, line 22 to col. 8, line 35; Figs. 3,27)

Applicants argued that Maeda does not disclose or suggest the second variations as recited having a first or a second phase with respect to the first variations.

The Examiner cannot concur because Maeda et al. discloses the phase of the second variations being coupled to the phase of the first variations in that a predetermined number of wobbles correspond to a predetermined number of channel bits represented by the first variations and having a first or a second phase in which the first and the second phase differs with 180 degrees (See col. 7, line 22 to col. 8, line 35; Figs. 3)

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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